

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 26, 2004 LB 139

this. What we have is this; is that in Section 7 we recommend that which is...strike Section 7 of the committee amendment. Section 7 of the committee amendment relates to the DNA testing of bodily fluid samples in civil matters and is not related to the primary purpose of LB 139, which is the enhancement of the Nebraska criminal offender DNA database. As a result of the removal of this language, will have no effect on the remaining portions of the bill. From a philosophical standpoint, we are not opposing what is...been proposed in the committee amendment. We just think that this is criminal law and not civil law and, therefore, this should be removed. The other thing that we have added is this--the removal of the sunset and contingency language. AM2300 removes the requirement for making the continued collection of DNA samples after July 1, 2006, and all the testing samples from individuals convicted of robbery and burglary contingent upon the receipt of federal funding. This language is being removed because federal funding is not available for this purpose at this time. I will get back to this in just one second. Technical corrections are those such as redundant language and revises the language relating to the taking of DNA samples to reflect current medical practice. In other words, what is stated in the old bill and in the committee amendments, it refers to basically taking only blood samples. One of the most common ways now is just take a swab of the inside of the mouth, and obviously is a test that is much easier to obtain. So in summary...oh, let me back up here for just one second and talk about where we're at with the federal funding for these projects. Two years ago the federal government stated that their objective was...is to bring the DNA legislation in every state up to speed. Many states had implemented the programs that we're talking about today, as we mentioned with Louisiana, in particular a very comprehensive bill that is far more expensive than what we're talking about here today. Louisiana is in the same financial predicament as Nebraska, if not worse, so what the federal government set about to do is to bail out the states that had implemented the DNA legislation. They had promised, and we had worked with Senator Hagel's office, that they would keep us apprised, and even up to December of 2003 we had quite good assurance that funding would take care of this issue. That has virtually evaporated, and we will talk about where our funding would come from in a second.